

Bill read third time.  
Senator Smith offered to amend as follows;

Amend by striking out the word "affidavit," in line 11, and insert in lieu thereof the word "application."

Adopted by the following vote:

YEAS—30.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

EXCUSED—1.

Shelburne.

Bill passed as amended.

The President announced the appointment of Senator Shelburne on Committee on Towns and City Corporations, and Senator Tips was placed on Committee on Penitentiaries.

On motion of Senator Kearby the Senate adjourned until 10 o'clock Thursday morning.

#### NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Jan. 19, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,  
On motion of Senator Douglass, the reading of the same was suspended.

#### REPORTS OF STANDING COMMITTEES.

Senator Cranford, chairman of Judiciary Committee No. 1, submitted the following reports:

##### COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 27, entitled "An act to diminish the jurisdiction of the county court of Webb county, and to conform the jurisdiction of the district court of Webb county to such change,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. CRANFORD, Chairman.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1 to whom was referred

Senate bill No. 28, entitled "An act to amend articles 2447, 2452 and 2453, of title 45, of the Revised Civil Statutes of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. CRANFORD, Chairman.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 21, entitled "An act to be entitled an act to amend article 1363 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. CRANFORD, Chairman.

##### COMMITTEE ROOM,

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 17, entitled "An act to amend article 1816 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instructed me to report it back to the Senate, with the recommendation that it do pass.

All of which is respectfully submitted.  
CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 26, entitled "An act to be entitled an act to repeal articles 1432 and 1434, title 29, chapter 20 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.  
CRANFORD, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 20, entitled "An act to amend article 1139, title 28, chapter 1, of the Revised Civil Statutes of the State of Texas, and to add thereto articles 1139a, 1139b and 1139c,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the following amendment:

Amend by adding to article 1139c after the word "judge," in line 29, page 3, the following: Provided, that all cases heretofore transferred by the county court to the district court on account of the disqualification of the county judge, shall be considered lawful, and the district court to which such cases have been transferred shall retain jurisdiction thereof.

All of which is respectfully submitted.  
CRANFORD, Chairman.

Senator Swayne, chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 19, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 16, entitled "An act for the relief of railway companies having charters granted or amended since January 1, 1889, which have

failed, or are about to fail, to comply with article 4278, Revised Statutes,"

Have had the same under consideration, and instruct me to report it back to the Senate, with the recommendation that it do pass, with the following amendment: Amend section 1 by adding, "provided, that no railroad company which shall be revived or the time extended by virtue of this act, shall claim or exercise any right or franchise not now allowed, granted or permitted to other railway corporations under the laws as now in force in this State; and such railway company as may be revived or time extended by this act shall comply with the laws of this State now in force appertaining to railway corporations."

All of which is respectfully submitted.  
SWAYNE, Chairman.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Rules beg leave to report a recommendation that the Senate adopt as rules of order for its government the rules of the Senate of the Twenty second Legislature, with the following amendments, viz.:

1. Rule 13 shall be amended so as to read as follows:

"13. The President shall then call, first, for petitions and memorials; second, for reports from standing committees; third, for reports from select committees; fourth, for bills and resolutions, which shall conclude the morning call, and which the President shall announce to the Senate; fifth, for the special order; sixth, for House bills for reference to appropriate committees when reference is necessary; seventh, for unfinished business; eighth, for bills on third reading; tenth, for bills reported from committees; eleventh, for business on the table, which shall be called in the following order: 1. Simple resolutions. 2. Messages and executive communications. 3. Messages from the House, and House amendments to Senate bills and resolutions. 4. Any other business on the table shall be disposed of in the order presented or as the Senate may direct."

2. Rule 38 shall be amended so as to read as follows:

"38. All resolutions, except those named in the preceding rules, shall be acted on upon their introduction, or on motion, postponed or referred to an appropriate committee."

Respectfully submitted,  
McCOMB, Chairman.

## BILLS AND RESOLUTIONS.

By Senator McKinney:

A bill to be entitled "An act to grant to the Waco Water Power and Electric company the right to construct and maintain and by necessary booms or otherwise to protect and from time to time to raise a dam across the Brazos river, and to purchase, condemn and pay for lands, rights and other property overflowed or injured thereby or necessary therefor."

Read first time and referred to Committee on Internal Improvements.

By Senator Smith:

A bill to provide for "Independent school districts and for the organization, maintenance and regulation of a uniform system of public free schools for nine months each year and the erection of school buildings therein, and to provide for the ownership and control of school property and school funds in such districts, and to protect the right to levy special taxes in such districts, and to repeal all general and special laws in conflict with the provision of this act."

Read first time and referred to Committee on Education.

By Senator Imboden:

A bill to be entitled "An act to punish any one who shall assault or kill another, while carrying on or about his person a pistol, dirk or dagger."

Read first time and referred to Judiciary Committee No. 2.

By Senator Tips:

"An act to refund to W. B. Brush the sum of two hundred and seventy-five dollars, purchase money paid by him as contractor of State sewer at Austin, Texas, under act of May 5, 1882, in acquiring for the State the right of way for said sewer."

Read first time and referred to Committee on Claims and Accounts.

By Senator Agnew, by request:

"An act to amend section 1 of chapter 139, approved April 4, 1887, entitled an act to regulate the shipment of freights, and to require railway companies to furnish sufficient cars to transport the same, and to provide penalties for failure so to do."

Read first time and referred to Committee on Internal Improvements.

## JOINT RESOLUTION.

By Senator Greer:

Joint resolution to amend sections 4, 17, 22 and 23 of article 4 of the Constitution of the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

Senator Boren offered the following resolution:

Whereas, The resolution heretofore adopted by the Senate of the Twenty-third Legislature allowing each Senator to subscribe for fifty copies of any newspaper publishing the daily proceedings of the Legislature, to be paid for out of the contingent fund, is an unnecessary and useless expenditure of the public funds; therefore, be it

Resolved, That from and after the first day of February next said order shall be rescinded and of no force or effect.

Lost by the following vote:

YEAS—14.

Boren,	Simpson,
Browning,	Smith,
Dean,	Steele,
Douglass,	Tips,
Imboden,	Whitaker,
Jester,	Woods,
McKinney,	Yoakum.

NAYS—16.

Agnew,	Hutchinson,
Ailee,	Kearby,
Baldwin,	Lawhon,
Bowser,	Lewis,
Cranford,	McComb,
Crowley,	Pressler,
Goss,	Shelburne,
Greer,	Swayne.

Senator Yoakum offered the following:

After the twenty-third of January the number of dailies allowed to each Senator be reduced to ten copies.

Senator Goss offered to amend as follows:

Strike out "January 23" and insert "February 1."

Senator Bowser opposed the amendment.

Senator Kearby opposed the amendment.

Senator Hutchinson made the point that the amendment was out of order.

Senator Crauford agreed with Senator Hutchinson.

The point of order was sustained.

Motion was made to insert "twelve" instead of "ten."

Senator Hutchinson arose to a point of order.

The Chair overruled the point of order.

Senator Hutchinson appealed.

The Chair was sustained by the following vote:

YEAS—22.

Agnew,	McComb,
Boren,	McKinney,
Bowser,	Pressler,
Browning,	Shelburne,



Crowley,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Imboden,	Tips,
Jester,	Whitaker,
Kearby,	Woods,
Lewis,	Yoakum.

NAYS—8.

Atlee,	Greer,
Baldwin,	Hutchinson,
Dean,	Lawhon,
Goss,	Swayne.

Senator Greer moved to postpone further consideration of the resolution to February 1.

Lost.

The question recurred on the original resolution.

Lost.

Senator Douglass moved to reconsider the vote.

Senator McComb moved to table.

Tabled by the following vote:

YEAS—16.

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Bowser,	Lewis,
Dean,	McComb,
Goss,	Pressler,
Greer,	Shelburne,
Hutchinson,	Swayne.

NAYS—15.

Boren,	Simpson,
Browning,	Smith,
Cranford,	Steele,
Crowley,	Tips,
Dickson,	Whitaker,
Douglass,	Woods,
Imboden,	Yoakum.
McKinney,	

## CONCURRENT RESOLUTION.

By Senator Dean:

*Resolved*, That the Senate of the Twenty-third Legislature, the House of Representatives concurring, hereby request and urge upon our Senators and Representatives in Congress that they take such action upon the accompanying petition of business men and merchants on our Mexican border as may be necessary to accomplish the purpose desired in said petition hereto attached, dated December 20, 1889, and that they do everything possible to carry out the recommendations as prayed for therein.

The petition was read and adopted.

The following resolution was presented by Senator Steele:

*Resolved*, That the sergeant-at-arms of the Senate be instructed to purchase sixteen copies of Willson's Annotated Criminal Statutes of Texas for the use of the Senate.

Adopted.

The following message was received:

## HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, Jan. 19, 1893.

Hon. M. M. Crane, President of the Senate:

SIR—I am directed to inform the Senate of the passage by the House of the following resolution, to-wit:

*Be it resolved by the House of Representatives, the Senate concurring*, That the following joint committees, each one composed of three members of the House and two of the Senate, be appointed by the Speaker of the House and President of the Senate respectively, for the following purposes, viz.:

First. To visit the University of Texas, the Agricultural and Mechanical College, the Sam Houston Normal Institute, and the Prairie View Normal School.

Second. To visit the North Texas Lunatic Asylum.

Third. To visit the Southwestern Lunatic Asylum.

Fourth. To visit the Reformatory.

Fifth. To visit the Penitentiaries.

Sixth. It shall be the duty of each committee so appointed to examine carefully and thoroughly into the condition and management of the institution visited by it, and to make a report of the same to the Legislature, with such suggestions for the benefit of such institution as the committee may deem necessary:

Seventh. The expenses of said joint committees to be paid out of the contingent fund of the Twenty-third Legislature.

GEO. W. FINGER,

Chief Clerk House of Representatives.

## CONCURRENT RESOLUTIONS.

By Senator Tips:

*Be it resolved by the Senate of the State of Texas, the House of Representatives concurring*, That the request of the John B. Hood Camp of Confederate Veterans for the permission to erect a monument to the Confederate dead on the State Capitol grounds be granted, and that the Superintendent of Public Buildings and Grounds be authorized, in conjunction with the committee appointed by said camp, to select a site for said monument.

Adopted, and the following memorial accompanying same was read:

AUSTIN, TEXAS, Jan. 18, 1893.

Hon. M. M. Crane, Lieutenant-Governor and President of the Senate:

SIR: By virtue of a resolution adopted by the John B. Hood Camp of Confederate Veterans on December

12, 1892, the undersigned were appointed a committee to apply to the Legislature for permission to place in the Capitol grounds of Austin a monument in memory of the Confederate dead, said committee, if said permission be granted, with the aid of the Superintendent of Public Buildings and Grounds, to select and designate the exact location for said monument.

In presenting this petition we deem it proper to say that the John B. Hood Camp has now on hand in money, real estate, and securities about (\$20,000) twenty thousand dollars, the contributions of people all over the country for another purpose; but finding it impracticable to use it as originally intended, the Camp has deemed it best to devote it to monumental purposes. This sum is to be added to by donations and otherwise until it reaches (\$50,000) fifty thousand dollars, when the entire amount will be expended in the erection of the proposed monument. In view of the laudable character of the undertaking, we trust the request of the Camp will be granted.

Very respectfully,

F. T. ROCHE,  
F. R. LUBBOCK,  
JOHN M. BROWN,  
Committee.

#### SPECIAL ORDER.

Senate bill No. 18, a bill to be entitled "An act to amend title 17, chapter 6, of the Penal Code of the State of Texas, by adding thereto chapter 6a," on second reading was called up for consideration.

Committee report was read with amendments.

Committee amendments adopted.

Senator Agnew offered to amend as follows:

Amend by adding "6a" before the word "if" in line 4, page 1.

Adopted.

Senator Yoakum moved to amend by striking out "5" in line 7 and insert "2," and strike out "25" in line 8 and insert 10.

Senator Baldwin opposed the amendment. Senator Lawhon favored.

Pending action, Senator Kearby moved to recommit bill and amendments to Judiciary Committee No. 2. Recommitted.

#### BILLS ON SECOND READING.

The President laid before the Senate, Senate bill No. 13,

A bill to be entitled "An act to amend sections 1 and 4 of an act to

5-Senate

regulate the sale of spirituous, vinous or malt liquors or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters, to define the manner and time of collecting such tax, and to affix penalties for failing to pay the same, and to repeal all laws in conflict with provisions of this act, approved March 11, 1881, approved April 4, 1881, and to amend an act to regulate the sale of spirituous, vinous or malt liquors, or medicated bitters; to fix the rate of occupation upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters; to define the manner and time of collecting such tax; and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1891."

Bill and committee amendments read.

Senator Agnew moved to postpone consideration of same till the bill, together with the committee amendments be printed.

Carried.

The President laid before the Senate

Senate bill No. 7, "An act to be entitled an act to authorize minors to bring suits by next friend, and to provide for the disposition of funds that may be recovered in such suits, and to define the duties of said next friend."

Bill with committee amendments read.

Senator Douglass moved to postpone consideration of same till the bill, together with the amendments, be printed.

Carried.

Reconsidered, on motion of Senator Agnew.

Senator Cranford opposed first committee amendment.

Senator Yoakum favored the amendment.

Upon a call for division of the Senate the first amendment was defeated by a vote of 16 to 12.

Committee amendments Nos. 2 and 3 were adopted.

Senator Cranford offered to amend as follows:

Amend by adding the following:

"Section 6. The fact that there is no law upon this subject, and the great need for it creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and this act take effect

and be in force from and after its passage, and it is so enacted."

Adopted.

Senator Lewis offered to amend as follows:

Amend by striking out "is of the value of five hundred dollars or less," in the third line of section 3, and inserting "does not exceed the value of five hundred dollars."

Adopted.

Senator Yoakum offered to amend as follows:

Amend section 1 by inserting after word "cost" in line 6, as follows, "or affidavit in lieu thereof."

Adopted.

Bill ordered engrossed.

Senator Cranford moved that the constitutional rules requiring bills to be read in three several days be suspended and that the bill be put upon its third reading and final passage.

Carried by the following vote:

YEAS—28.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Boren,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum.

NAYS—1.

Hutchison.

ABSENT—2.

Bowser, Imboden.

The bill was then read third time and passed by the following vote:

YEAS—27.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Boren,	McKinney,
Browning,	Shelburne,
Cranford,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Jester,	Yoakum.
Kearby,	

NAYS—1.

Crowley.

On motion of Senator Kearby the Senate adjourned till to-morrow 10 o'clock.

## TENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Jan. 20, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,

On motion of Senator Browning, the reading of the same was suspended.

## PETITIONS AND MEMORIALS.

Senator Presler offered the following petition from voters of Coleman, McCulloch and Concho counties, asking for the creation of "Reagan county."

Read and referred to Committee on Counties and County Boundaries.

By Senator Goss:

Petition from Hale county, asking extension of time for forfeiture for non-payment of taxes to November 1, 1893, and to reduce the penalty for non-payment of taxes.

Read and referred to Committee on Finance.

By Senator Goss:

Petition from citizens of that part of the State known as the "Panhandle," asking for relief on account of last year's drouth.

Read and referred to Committee on Finance.

## COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 19, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Penitentiaries, to whom was referred